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09/931,992	08/16/2001	Erik Snowberg	AA-11	4228
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LANGLOTZ PATENT WORKS, INC.			LEROUX, ETIENNE PIERRE	
PO BOX 759				
GENOA, NV 89411			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/931,992	Applicant(s) SNOWBERG ET AL.	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

Claims Status

Claims 1-20 are pending. Claims 1-20 are rejected as detailed below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No. 2001/0034646 issued to Hoyt et al (hereafter Hoyt '646).

Claims 1, 11 and 20:

Hoyt '646 discloses:

- a plurality of storage devices [Fig 1,150]
- each storage device containing web browsing activity information associated with the cookies of a selected subset of the users [Fig 1, 105]
- all the web browsing information for each cookie being stored on a single storage device [paragraph 0065]

Claim 2:

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The facility of claim 1 including a data depository device connected to the storage devices, and operable to receive a stream of web browsing activity information from a plurality of web servers [Internet per Fig 1]

Claim 3:

The facility of claim 2 wherein the data depository is operable to transmit a web browsing activity information and associated cookie to a selected one of the storage devices associated with the cookie [paragraph 0065]

Claim 4:

The facility of claim 1 wherein each storage device is assigned a selected range of cookie values, and web browsing activity information associated with the selected range in the associated storage device [paragraph 0065]

Claims 5 and 14:

The facility of claim 1 wherein the storage devices are connected to a master computer operable to retrieve data from the storage devices [Central Server, Fig 1, 190]

Claims 6 and 15:

The facility of claim 5 wherein the master computer is operable to analyze the data and generate an output [paragraph 0065]

Claims 7 and 16:

The facility of claim 6 where the output includes a list of a subset of the cookies having a selected web browsing activity attribute [paragraph 0065]

Claims 8 and 17:

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The facility of claim 7 wherein the attribute is past activity at a selected web entity [paragraph 0065]

Claims 9 and 18:

The facility of claim 1 wherein the web browsing activity information is indexed by cookie [paragraph 0065]

Claims 10 and 19:

The facility of claim 1 wherein each of the storage devices includes a processor, and wherein the processors operate independently of each other [Fig 1]

Claim 12:

The method of claim 11 including receiving a stream of web browsing activity information from a plurality of web servers, and transmitting the information to a selected one of the storage devices [Internet per Fig 1]

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyt '646 in view of Pub No. US 2003/0055530 issued to Dodson (hereafter Dodson '530).

Claim 13:

Hoyt '646 discloses the elements of claim 11 as noted above.

Hoyt '646 fails to disclose establishing a selected range of cookie values for each storage device, and wherein determining which of a selected plurality of storage devices contains information associated with the cookie includes determining which selected range into which the cookie falls.

Dodson '530 discloses establishing a selected range of cookie values for each storage device, and wherein determining which of a selected plurality of storage devices contains information associated with the cookie includes determining which selected range into which the cookie falls [paragraphs 12, 14 and 132].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoyt '646 to obtain the above claim elements as taught by Dodson '530.

The ordinarily skilled artisan would have been motivated to modify Hoyt '646 for the purpose of implementing a limited form of targeted advertising over the Internet [paragraph 13]

Response to Arguments

Applicant's arguments filed 7/22/2004 have been fully considered but they are not persuasive.

Applicant Argues:

Applicant states in the first paragraph on page 6 "the rejection of claim 1 states that the cited reference discloses a plurality of storage devices, apparently indicating websites 150 illustrated in Figure 1. First, a website is not a storage device (the software that comprises a web site may of course be stored on a storage device. No explanation is offered of how a website is a storage device. For these reasons, claim 1 is allowable."

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Examiner Responds:

Examiner is not persuaded. Hoyt discloses in paragraph 9 that a web site may include multiple pages which may be browsed by user. Furthermore, consider the following definition of a web site.¹

A group of related HTML documents and associated files, scripts, and databases that is served up by an HTTP server on the World Wide Web. The HTML documents in a web site generally cover one or more related topics and are interconnected through hyperlinks. Most Web sites have a home page as their starting point, which frequently functions as a table of contents for the site. Many large organizations, such as corporations will have one or more HTTP servers dedicated to a single web site. However, an HTTP server can also serve several small Web sites, such as those owned by individuals. Users need a Web browser and an Internet connection to access a Web site.

Examiner maintains that a Web site includes a database and is thus a storage device.

Applicant Argues:

Applicant states in the second paragraph on page 6 "Second, the rejection of claim 1 fails to assert that the elements asserted as the storage devices have the claimed characteristic of each containing web browsing activity information associated with the cookies of a selected subset of the users. There is no assertion that the elements 150 cited as being storage devices contain the claimed [the claimed] information. For this additional independent reason, claim 1 should be allowable over the cited reference."

Examiner Responds:

Examiner is not persuaded. Hoyt in paragraph 65 includes the following:

This can be accomplished by checking for an RLS cookie on the user's computer, or by alternative methods such as determining the IP (internet protocol) address, or other technology such as microchips with identification tags in them. Cookies are a technology that enables a web

¹ Microsoft Computer Dictionary Fifth Edition

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server to retrieve information from a user's computer that reveals prior **browsing activities of the user**. The information about the user's prior browsing activities is stored in a cookie which in one embodiment can be placed by a host site on the user's hard drive.

Next, the web page sets up the logos, links, additional message lines and/or greetings on the RLS web site, and places a cookie on the user's computer (Step 440). **This cookie will identify the user and the fact that the user was referred from a specific web site** such that every time that particular user visits this particular web site the cookie will correctly signal the web site to put the logo and advertisements up for that referring web site.

Examiner maintains the above disclosure by Hoyt teaches that a cookie on a user's computer includes browsing activities of the user. Furthermore, the RLS checks for a RLS cookie on a user's machine. The teaching that the RLS (the storage device) checks for information relating to a cookie on a user's machine is a clear indication of the claim 1 functional language "each storage device containing *browsing activity information associated with the cookies.*"

Furthermore, Hoyt provides further details in paragraph 47 which is partially reproduced below:

However, a difference between the RLS and other systems is that the RLS stores the historical/demographic information in a data base repository on RLS's central server, instead of in the user's cookie. This assures that the information is accessible even if the user deletes his or her RLS based cookie from their hard drive. Nevertheless, the invention may also include the storage of information in a cookie in various embodiments. The RLS history/demographics database is also accessed by members to view data about the traffic at their web site (150 or 160).

Clearly the RLS is a database repository and the historical/demographic information associated with a user's cookie reads on the claim 1 functional language "each storage device containing *browsing activity information associated with the cookies.*"

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Applicant Argues:

Applicant states in the third paragraph on page 6 “Third, even if the action were internally consistent, and the elements 150 cited as storage devices were the same as the elements [users 105] cited as containing the claimed information, none of the elements of the cited references store ‘web browsing activity information associated with the cookies of a selected subset of the users.’ Users are not storage devices. Accordingly, claim 1 should be allowable for this additional independent reason.”

Examiner Responds:

Examiner is not persuaded. User 105 has a personal computer 110 for accessing the Internet per Hoyt’s disclosure in paragraph 30. Furthermore, applicant is referred to above response by examiner regarding Hoyt’s teaching that a cookie is placed on a user’s computer. This cookie includes a record of a user’s web browsing trail.

Applicant Argues:

Applicant states in the fourth paragraph on page 6 “Fourth, even if the action referred to user computer [110] as storage devices containing the claimed information, the action fails to explain what aspect the cited element constitutes ‘web browsing information.’ Accordingly, claim 1 should be allowable for this additional reason.”

Examiner Responds:

Examiner is not persuaded. The following excerpt from Hoyt’s paragraph 65 clearly discloses web browsing information:

This can be accomplished by checking for an RLS cookie on the user’s computer, or by alternative methods such as determining the IP (internet protocol) address, or other technology such as microchips with identification tags in them. Cookies are a technology that enables a web server to retrieve information from a user’s computer that reveals prior **browsing activities of**

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the user. The information about the user's prior browsing activities is stored in a cookie which in one embodiment can be placed by a host site on the user's hard drive.

Next, the web page sets up the logos, links, additional message lines and/or greetings on the RLS web site, and places a cookie on the user's computer (Step 440). **This cookie will identify the user and the fact that the user was referred from a specific web site** such that every time that particular user visits this particular web site the cookie will correctly signal the web site to put the logo and advertisements up for that referring web site.

Applicant Argues:

Applicant states in the fifth paragraph on page 6 "Fifth, even [if] it were asserted in the action, the user computers are not indicated as storing anything more than a single cookie each. The action fails to point out where these or any element of the cited reference discloses storing 'web browsing activity associated with the cookies of a selected subset of the users.' The claim refers to subsets having information associated with multiple cookies (as indicated by the plural cookies). There is no reason to believe that a single user's computer would contain information associated with the cookies of other users. Accordingly, claim 1 should be allowable for this additional independent reason."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a single user's computer would contain information associated with the cookies of other users) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

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Applicant states in the sixth paragraph on page 6 "Sixth, the action fails to indicate or explain where the cited paragraph 65 (consisting of 671 words) discloses the feature of storing all the browsing information for each cookie on a single storage device."

Examiner Responds:

Examiner is not persuaded. Hoyt as below discloses each user's cookie resides on a user's computer and each cookie includes browsing information.

This can be accomplished by checking for an RLS cookie on the user's computer, or by alternative methods such as determining the IP (internet protocol) address, or other technology such as microchips with identification tags in them. Cookies are a technology that enables a web server to retrieve information from a user's computer that reveals prior **browsing activities of the user**. The information about the user's prior browsing activities is stored in a cookie which in one embodiment can be placed by a host site on the user's hard drive.

Next, the web page sets up the logos, links, additional message lines and/or greetings on the RLS web site, and places a cookie on the user's computer (Step 440). **This cookie will identify the user and the fact that the user was referred from a specific web site** such that every time that particular user visits this particular web site the cookie will correctly signal the web site to put the logo and advertisements up for that referring web site.

Applicant Argues:

Applicant states in the second paragraph on page 7 "Claim 2 should be allowable for the additional reason that the rejection fails to point out how in the cited reference, the cited element "Internet" operates to transmit the claimed information to a selected storage device. The Internet is not a 'repository' of data, but is simply a transmission means."

Examiner Responds:

Examiner is not persuaded. Examiner points out that the data repository device is considered in detail above. Furthermore, examiner maintains the Internet is the means by which

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data repository *is connected* to the storage devices and is operable to receive a stream of web browsing activity.

Applicant Argues:

Applicant states in the third paragraph of page 7 “Claim 5 should be allowable for the additional reason that the “Central Server 190” of the cited reference is not indicated as being operable to retrieve data from users asserted as storage devices. Even if the users were construed as user computers, there appears to be no means by which the Central Server can retrieve data from Apparently, the only time the Central Server receives information form a user is by initiation of action by the user. But merely receiving information by another is not ‘retrieval’ which is an act engaged in by the recipient of information.”

Examiner Responds:

Examiner is not persuaded. Applicant is referred to Figure 1 which clearly shows the RLS Central Server 190 connected to users 105 via the Internet 130.

Applicant Argues:

Applicant in the fourth paragraph on page 7 states “Claim 7 should be allowable for the additional reason that the action fails to point out an element or step that produces an output including a subset as claimed.”

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an element or step that produces an output) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant Argues:

Applicant states in the fifth paragraph on page 7 "Claim 9 should be allowable for the additional reason that the action fails to point out any element or step that discloses web browsing information indexed by a cookie."

Examiner Responds:

Examiner is not persuaded. Applicant is referred to above discussions which clearly show web browsing information indexed by a cookie.

Applicant Argues:

Applicant states in the sixth paragraph on page 7 "Claims 11 and 20 were rejected based on the assertions relating to the language of claim 1. The action fails to indicate where the cited reference discloses any of the claimed steps. Accordingly, these claims and their dependents should be allowable, including for the reasons indicated above with respect to claim 1. The dependents of claim 11 should be allowable for the reasons noted above with respect to the dependents of claim 1, based on the parallel rejections employed in the action."

Examiner Responds:

Examiner is not persuaded. Examiner maintains that the references indicated for claim 1 are pertinent to the more broad language of claim 11. Furthermore, examiner notes Rule 37CFR 1.111(b) requires Applicant to "distinctly and specifically point out errors" in the examiner's action. Also, arguments or conclusions of Applicant cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326F.2d 769, 140 USPQ 230 (1964).

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Applicant Argues:

Applicant states in the paragraph joining pages 7 and 8 that the rejection of claim 13 is improper.

Examiner Responds:

Examiner is not persuaded. The reasoning and elements are clearly identified in supra Office Action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

12/8/2004


SAFET METJAHIC
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